

LAW OFFICES
HYATT & FLYNN, PLLC

Armand M. Hyatt

Attorney & Counselor at Law

Admitted to N.H., MA, CAL. and Federal Bars

January 13, 2004

110 MAIN STREET
SALEM, NEW HAMPSHIRE 03079
TEL. (603) 893-8069
FAX (603) 890-6600

8 JACKSON COURT
LAWRENCE, MASS. 01840
TEL. (978) 689-9393
FAX (978) 689-8977

RECEIVED

JAN 16 2004

Via facsimile transmission:
To: (603) 271-2982

Mr. Michael Sclafani – Appeals Clerk
Water Resources Council
6 Hazen Drive
Concord, New Hampshire 03302-0095

RE: Report on pending Stay of proceedings under Appeal by *USA Springs Inc.*

Dear Mr. Sclafani and members of the Water Resources Council:

I am writing as current legal counsel for the applicant, *USA Springs, Inc.*, after speaking with Attorney Richard Head of N.H. D.O.J., to inform your Water Resources Council that there will be no need to report tomorrow morning as to the status of the Appeal regarding the applicant's application for large groundwater withdrawal permit and corresponding bottled water source approval, which application was the subject of the Appeal and Motion filed with this council on September 11, 2003. It is believed by the applicant that such proceeding before your Council is now moot.

The reasons for this present understanding are: (1) the applicant has elected not to proceed any further under such originally filed application which was denied by NHDES in December 11, 2003; (2) such election has become legally binding upon the applicant inasmuch as the applicant has not filed any Motion for Rehearing with NHDES, nor any Notice of Appeal with the New Hampshire Supreme Court within the required time frame which expired at the close of business on January 12, 2004; (3) the applicant has, instead, filed a new application with NHDES under Env-WS 388 and Env-WS 389, respectively, for the aforementioned permit and approval; & (4) Attorney Richard Head has authorized me to indicate his assent to a communication of this nature.

I thank you for your attention to this matter and I am available to respond to any questions, comment or concerns.

COPY
Very truly yours,
Armand M. Hyatt

AMH/df

cc: Richard Head, Esquire
Harry T. Stewart, Water Division Director
Michael P. Nolin, Commissioner
E. Tupper Kinsler, Esquire
Mark E. Beliveau, Esquire

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January 14, 2004

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Water Resources Council
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Concord, New Hampshire 03302-0095

RE: Report on pending Stay of proceedings under Appeal by *USA Springs Inc.*

Dear Mr. Sclafani and members of the Water Resources Council:

To supplement the letter sent yesterday, I hereby specify on behalf of the applicant that the Appeal filed on September 11, 2003 is withdrawn.

Very truly yours



Armand M. Hyatt

AMH/df

cc: Richard Head, Esquire
Harry T. Stewart, Water Division Director
Michael P. Nolin, Commissioner
E. Tupper Kinder, Esquire
Mark E. Beliveau, Esquire